

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA

v.

DENIS RIVERA

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Criminal No. 02-CR-376

ORDER

Defendant Denis Rivera was a member of the criminal gang Mara Salvatrucha or “MS-13,” who along with five other MS-13 members, was indicted for conspiring to murder and murdering twenty-year-old Joaquin Diaz. After a jury trial, defendant was convicted of both counts and was sentenced to life in prison. *See id.* Defendant appealed and his conviction and sentence were affirmed on appeal. *See United States v. Rivera*, 412 F.3d 562 (4th Cir. 2005), *cert. denied* 126 S.Ct. 670 (2005). Defendant later sought collateral review of his conviction and his motion to vacate pursuant to 28 U.S.C. § 2255 was also denied. *See Order Denying Motion to Vacate*, dated July 11, 2007 (Dkt. 433). The Fourth Circuit denied a certificate of appealability with respect to that Order. *See United States v. Rivera*, 266 F. App’x 238 (4th Cir. 2008).

Defendant filed what he styled as a “Notice for Writ of Mandamus,” seeking proof that the government “certified the charges” pursuant to which defendant was convicted. Dkts. 512, 513. Defendant. *Id.* at 1. Defendant also asserted that he is wrongfully confined pursuant to the “Bill of Rights to the Continental Constitution, UCC 3-419, and Title 15 U.S.C.” which are asserted to encompass his right to be confined under charges that were certified. *Id.* at 2. The government filed a response to defendant’s motion indicating that it had provided a copy of the Superseding Indictment and the Judgment in a Criminal Case certified by the Clerk of the Court to defendant. *See Response* (Dkt. 515); Exhs. 1 and 2 (Dkts. 515-1, 515-2). Accordingly, an Order entered

denying defendant's Notice as moot and, to the extent defendant sought to challenge his conviction, denied the motion as a second or successive petition. *See* Order, dated March 28, 2023 (Dkt. 516).


Defendant has now filed a notice indicating that he has not received the government's response or the certified copies of the Indictment and the Judgment in a Criminal Case. *See* Notice, Dkt. 517. It is therefore appropriate to direct the government to provide defendant with a second copy of the certified Indictment and the certified Judgment in a Criminal Case.

Accordingly,

It is hereby **ORDERED** that the government is **DIRECTED** to provide defendant with the certified copies of the Indictment and the Judgment in a Criminal Case previously provided with the government's response. The government should mail the documents to the address provided on defendant's latest filing (Dkt. 517-1).

The Clerk of Court is directed to send a copy of this Order to all counsel of record and to defendant's most recent address.

Alexandria, VA
April 27, 2023



T. S. Ellis, III
United States District Judge